

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE
COUNTY OF DURHAM : SUPERIOR COURT DIVISION
17-CVS-3173

2017 SEP 29 A 11:54

PURNIMA SANGHRAJKA
and CARY FOODS, INC.,

DURHAM CO., N.C.

BY 

Plaintiffs,

v.

FAMILY FARE, LLC
and M.M. FOWLER, INC.,

Defendants.

)
) **ORDER GRANTING DEFENDANTS'**
) **MOTION TO DISMISS AND MOTION**
) **FOR JUDGMENT ON THE PLEADINGS**
)
)
)
)

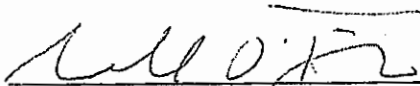
THIS CAUSE coming on to be heard and being heard before the Honorable Michael J. O'Foghludha, Superior Court Judge presiding over the September 13, 2017 Civil Session of Durham County Superior Court upon Defendants Family Fare, LLC's and M.M Fowler, Inc.'s [collectively "Defendants"] Motion to Dismiss Plaintiff's Complaint pursuant to Rule 12(b)(6) and 12(c) of the North Carolina Rules of Civil Procedure, William S. Cherry III of Manning, Fulton & Skinner, P.A. appearing on behalf of Defendants and Richard W. Farrell of The Farrell Law Group appearing on behalf of Plaintiffs;

And the Court, after hearing the arguments of counsel for the parties and having considered the record before it and the submissions by each party, finds that as a matter of law all of Plaintiffs' claims as alleged in Plaintiffs' Complaint accrued as of December 19, 2013 and are barred on the grounds that the one year contractual limitations period contained in the franchise agreement between Plaintiffs and Defendant Family Fare, LLC expired prior to Plaintiffs' asserting claims against the Defendants in this action, and thus the Defendants' motion is granted;

It is hereby ORDERED, ADJUDGED and DECREED that the Defendants Motion to Dismiss Plaintiffs' Complaint pursuant to Rule 12(b)(6) and 12(c) of the North Carolina Rules of Civil Procedure is hereby GRANTED.

It is further ORDERED, ADJUDGED and DECREED that all Plaintiffs' claims and causes of action against Defendants in this action shall be dismissed with prejudice.

This the 28 day of September, 2017.



Honorable Michael J. O'Foghludha
Superior Court Judge Presiding